

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

## COUNTY

ATTORNEY(S): COVINGTON &amp; BURLING LLP PH: 212-841-1000

ADDRESS: 620 EIGHTH AVENUE NEW YORK NY 10018 File No.:

Date Purchased: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Court Date: \_\_\_\_\_

**DAVID FLOYD, LALIT CLARKSON, and DEON DENNIS, individually and on behalf of a class of all others**vs.  
**THE CITY OF NEW YORK, et al.,**

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NASSAU SS.: \_\_\_\_\_

HARRY TORRES, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On July 29, 2008 at 3:00 PM at New York City Police Department, 28th Precinct 2271 8th Avenue New York, NY 10027, deponent served the within **Summons In A Civil Case, Confidential Unredacted Amended Complaint Filed Under Seal, Individual Rules and Procedures Judge Shira A. Scheindlin, Honorable Shira A. Scheindlin Suggested Rules of Discovery Practice and Electronic Case Filing Rules, Instructions** with Index Number 08 Civ. 1034 (SAS), and Date Purchased \_\_\_\_\_ endorsed thereon, on **Police Officer Michael Cousin Hayes Shield No. 03487**, Defendant therein named.

#1 INDIVIDUAL  By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

#2 CORPORATION  By delivering to and leaving with \_\_\_\_\_ and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.

*Service was made in the following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.*

#3 SUITABLE AGE PERSON  By delivering a true copy of each to **Police Officer Morales - Co-Worker** a person of suitable age and discretion. Said premises is recipient's  actual place of business  dwelling house (usual place of abode) within the state.

#4 AFFIXING TO DOOR  By affixing a true copy of each to the door of said premises, which is recipient's:  actual place of business  dwelling house (place of abode) within the state.

#5 MAIL COPY  On July 31, 2008, deponent completed service under the last two sections by depositing a copy of the **Above Documents** to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No. \_\_\_\_\_

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

#6 NON-SRVC  After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following:  Unknown at Address  Evading  Moved left no forwarding  Address does not exist  Other: \_\_\_\_\_

#7 DESCRIPTION  A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
 Sex  Male Color of skin  Tan Color of hair  Black Age  21 - 35 Yrs. Height  5' 9" - 6' 0"  
 (use with #1, 2 or 3) Weight  161 - 200 Lbs. Other Features: \_\_\_\_\_

#8 WIT. FEES  the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#9 MILITARYSRVC  Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not.

#10 OTHER 

Sworn to before me on this 1 day of August, 2008

BARBARA A. SHURGIN  
NOTARY PUBLIC, State of New York  
No. 30-5004737, Qualified in Nassau County  
Commission Expires November 23, 2010

HARRY TORRES

Server's Lic # 0915257

Invoice•Work Order # 0834305

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**DAVID FLOYD, LALIT CLARKSON, and  
DEON DENNIS, individually and on behalf of a class  
of all others similarly situated,**

**Plaintiffs,**

v.

**CASE No. 08 Civ. 1034 (SAS)**

**THE CITY OF NEW YORK; NEW YORK CITY  
POLICE COMMISSIONER RAYMOND KELLY,  
in his individual and official capacity; MAYOR  
MICHAEL BLOOMBERG, in his individual and  
official capacity; NEW YORK CITY POLICE  
OFFICER RODRIGUEZ, in his individual capacity;  
NEW YORK CITY POLICE OFFICER  
GOODMAN, in his individual capacity; NEW YORK  
CITY POLICE OFFICER JANE DOE, in her  
individual capacity; NEW YORK CITY POLICE  
OFFICER HERNANDEZ, Shield #15957, in his  
individual capacity; NEW YORK CITY POLICE  
OFFICER JOYCE, Shield #31274, in his individual  
capacity; NEW YORK CITY POLICE OFFICER  
KELLY, Shield #34759, in his individual capacity;  
NEW YORK CITY POLICE OFFICER JOHN DOE  
#1, in his individual capacity; NEW YORK CITY  
POLICE OFFICER JOHN DOE #2, in his individual  
capacity; NEW YORK CITY POLICE OFFICER  
POPICHURDO, in his individual capacity; NEW  
YORK CITY POLICE OFFICER SALERNO, Shield  
# 7116, in his individual capacity; NEW YORK  
CITY POLICE OFFICER HAYES, in his individual  
capacity;**

**Defendants.**

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**SUMMONS IN A CIVIL CASE**

TO: (Name and address of defendant)

Police Officer Michael Cousin Hayes  
Shield No. 03487  
New York City Police Department, 28<sup>th</sup> Precinct  
2271 8<sup>th</sup> Avenue  
New York, NY 10027

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address):

Andrea Costello  
Center for Constitutional Rights  
666 Broadway, 7th Floor  
New York, NY 10012

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK OF COURT

(BY) DEPUTY CLERK

APR 15 2008

DATE